

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 8, 2005 PLANNING COMMISSION MEETING

**P.A.S.:** County Special Permit #05026

**PROPOSAL:** To allow a 349' tower for wireless facilities with waiver to fall zone.

**LOCATION:** Northeast of the intersection of South 68<sup>th</sup> Street and Olive Creek Rd.

**LAND AREA:** A 10,000 square foot (100' X 100') leased compound area on an approximately 72.44 acre parcel.

**CONCLUSION:** There are no other facilities in the area capable of accommodating this carrier's facilities while still providing an acceptable level of coverage. A new tower is justified to accommodate this carrier, and this request complies with the requirements of the Zoning Regulations and the Comprehensive Plan.

<b><u>RECOMMENDATION:</u></b>
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County Special Permit #04026
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Conditional Approval
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 40 I. T. In the SW 1/4 and lot 50 I.T. in the SE 1/4, all in Section 10, T7N, R7E of the 6<sup>th</sup> PM., Lancaster County, NE

**EXISTING ZONING:** AG Agriculture

**EXISTING LAND USE:** Agriculture

**SURROUNDING LAND USE AND ZONING:**

North:	Agriculture	AG
South:	Agriculture, one house	AG
East:	Agriculture, one house	AG
West:	Agriculture, two houses and apple orchard	AG

**COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page F126** - Wireless Telecommunications - The placement and construction of such facilities need to occur in a way that is compatible with the natural and built environment. Taller, more intensive facilities should be located in commercial and industrial areas. Facilities in residential areas should be unobtrusive, of a scale consistent with the neighborhood setting, and sited in a way that does not detract from the enjoyment of the neighborhood by its residents.

**TOPOGRAPHY:** The land is rolling farmland in this area. Flood plain covers a portion of this parcel.

**TRAFFIC ANALYSIS:** The access easement to the tower site is off of Olive Creek Road, a gravel county road adjacent to the south.

**ANALYSIS:**

This is a request for a 349' tall guyed wireless tower. The adopted standards for evaluation as required in Article 10 *Personal Wireless Telecommunications Facilities* in the County Zoning Resolution are as follows

**STANDARDS FOR EVALUATION:**

**Conformity with Comprehensive Plan.**

1. The Comprehensive Plan designates agricultural uses in this area. This request is consistent with the type of development recommended by the Land Use Plan for rural areas.

**Preference of site location in accordance with Section 10.008.**

2. There are three location preferences as follows:

**A. Preferred Location Sites:**

(1) Publicly owned sites on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health and welfare. Such sites may include locating on existing buildings, co-locating on existing towers, screened roof-top mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.

(2) Privately owned sites with existing structures on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health and welfare. Such sites may include locating on existing buildings, co-locating on existing towers, screened rooftop mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.

(3) Publicly owned sites in which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential land uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.

(4) Sites in commercially or industrially zoned districts in which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential land uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.

**B. Limited Preference Sites, in order of priority:**

- (1) Sites on other public property.
- (2) Sites on other commercially or industrially zoned property.
- (3) Screened antennas on multi-family residential structures exceeding 30' in height.
- (4) Camouflaged structures with minimal impact on residential land uses.

**C. Sensitive Location Sites.** Sites located in areas with residential uses, environmentally sensitive areas, Capitol View Corridors, the Capitol Environs District, entryway corridors, downtown, landmarks or landmark districts, properties listed or eligible to be listed on the National Register of Historic Places, the Airport Environs, and other sensitive areas. The applications for personal wireless facilities which are located at sensitive sites will be required to demonstrate a technical need to locate a personal wireless facility at a sensitive site and that other reasonable alternatives do not exist for the facility at a location which is not a sensitive site.

This application is considered a sensitive location site, as it does not meet the criteria of A or B above, and agricultural areas such as where this tower is to be located have residential uses. In sensitive location sites, the applicant is required to demonstrate what good faith efforts were taken to locate at a preferred or limited preference site, and why a preferred or limited preference site was not used if available.

**Compatibility with abutting property and land uses.**

3. There are four farmsteads/acreages in the vicinity, approximately 1/4 to 1/2 mile in each direction. Otherwise, all surrounding lands are zoned AG and used for agricultural purposes. Except for the tower compound area and guy wire anchors, the area around the tower can still be put to productive agricultural use.

**Adverse impacts such as visual, environmental or noise impacts.**

4. The proposed tower site is off the paved road and at a full 350' + setback from Olive Creek Road and is sited to take advantage of the elevation provided by the terrain. At this location, the visual impact of the tower is partially diffused against the backdrop of the adjacent trees in the creek and horizon to the north.

**Availability of suitable existing structures for antenna mounting.**

5. Because this site is a sensitive location site, the applicant is required to eliminate all other preferred or limited preference sites within ½ mile of the proposed site, and demonstrate why they are not feasible per Section 10.010©) of the Zoning Regulations. This would include any potential collocation sites that would accommodate this carrier's antennas. In this case, there are no preferred or limited preference sites within either the search ring provided by the applicant, or within ½ mile of the proposed site. The Burlington tower is not taking applications for collocation.

However, the Hickman water tank and Alltell tower are in the general area of the proposed site. They range in distance from approximately 2.5 miles to the water tower to the Alltell site at 4 miles away. The water tank and tower are to the north and east of Hickman. While these towers are beyond the search ring submitted by the applicant, staff understands that the search ring delineates for optimal coverage but does not eliminate the possibility of collocating beyond the ring, albeit with reduced but adequate coverage. To be consistent with the intent of the Zoning Regulations and help limit tower proliferation by maximizing the use of existing facilities, the applicant was asked to demonstrate a good faith effort and show that collocation is not feasible beyond ½ mile from the proposed site.

Part of the information re-submitted by the applicant includes an evaluation of the feasibility of collocation on one of these facilities, and includes both a narrative explanation as well as a coverage map. According to this evaluation, collocation on any of the existing tower or water tower at the north edge of Hickman would not significantly improve the carrier's coverage in the area of need.

**Scale of facility in relation to surrounding land uses.**

6. Compatibility of scale is partially provided by the amount of separation between the proposed tower and surrounding uses, and acts as a mitigating factor in the siting of the tower.

**Impact on views/vistas and impact on landmark structures/districts, historically significant structures/districts, architecturally significant structures, landmark vistas or scenery and view corridors from visually obtrusive antennas and back-up equipment.**

7. There are no significant impacts noted in this area.

**Color and finish.**

8. There are two color and finish options for towers in excess of 200' in height per Federal Aviation Administration (FAA) regulations. They can either have a galvanized finish, or be painted international orange and white. Towers painted orange and white are allowed to have red lights, night and day. Galvanized towers are required to have white lights during the day, but can have red lights at night. Color and lighting is a tradeoff - the orange and white towers are more visible and less transparent than a galvanized finish during the day, however the white light is more noticeable than the red. As the Zoning Regulations require a galvanized finish, the least obtrusive lighting option includes white during the day and red at night.

The applicant indicates that the tower will have a galvanized finish, and that the required lighting will consist of white lights during the day and red lights at night. This is a noted condition of approval.

**Ability to collocate.**

9. The applicant states that this tower is designed to accommodate a total of three carriers, as required by the Zoning Regulations.

**Screening potential of existing vegetation, structures and topographic features, and screening potential of proposed facilities, ground level equipment, buildings and tower base.**

10. As noted previously, siting the tower adjacent to the tree line partially diffuses the visual impact of the tower. No additional screening beyond that is proposed. The County has not required screening in a farm field.

**Evidence of good faith efforts, and demonstration that a preferred or limited preference site was not technically, legally, or economically feasible.**

11. As noted in #5 above, there are no preferred or limited preference sites within ½ mile of the proposed site. However, the applicant complied with staff's request to evaluate the other existing tower and water tank within approximately four miles of this site, beyond what is required by the Zoning Regulations. Based upon the information submitted, staff is confident that collocation on an existing facility is not feasible, and that a new tower to allow this carrier to provide coverage to its customers is justified.

**CONDITIONS:**

Site Specific:

1. This approval permits a 349' broadcast tower capable of accommodating at least three carriers consistent with the site plans submitted. The tower shall have a galvanized finish, and the required lighting will consist of white lights during the day and red lights at night.

General:

2. Before receiving building permits:
  - 2.1 The permittee shall have submitted 5 copies of the final plans and the plans are acceptable.
  - 2.2 The construction plans shall comply with the approved plans.
  - 2.3 A surety approved by the County Attorney in an amount sufficient to guarantee removal of the facility.

Standard:

3. The following conditions are applicable to all requests:
  - 3.1 Before use of the facility all development and construction shall have been completed in compliance with the approved plans.
  - 3.2 All privately-owned improvements shall be permanently maintained by the owner.
  - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.5 The applicant shall sign and return the letter of acceptance to the County Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative

amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

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[Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov](mailto:mdekalb@lincoln.ne.gov)

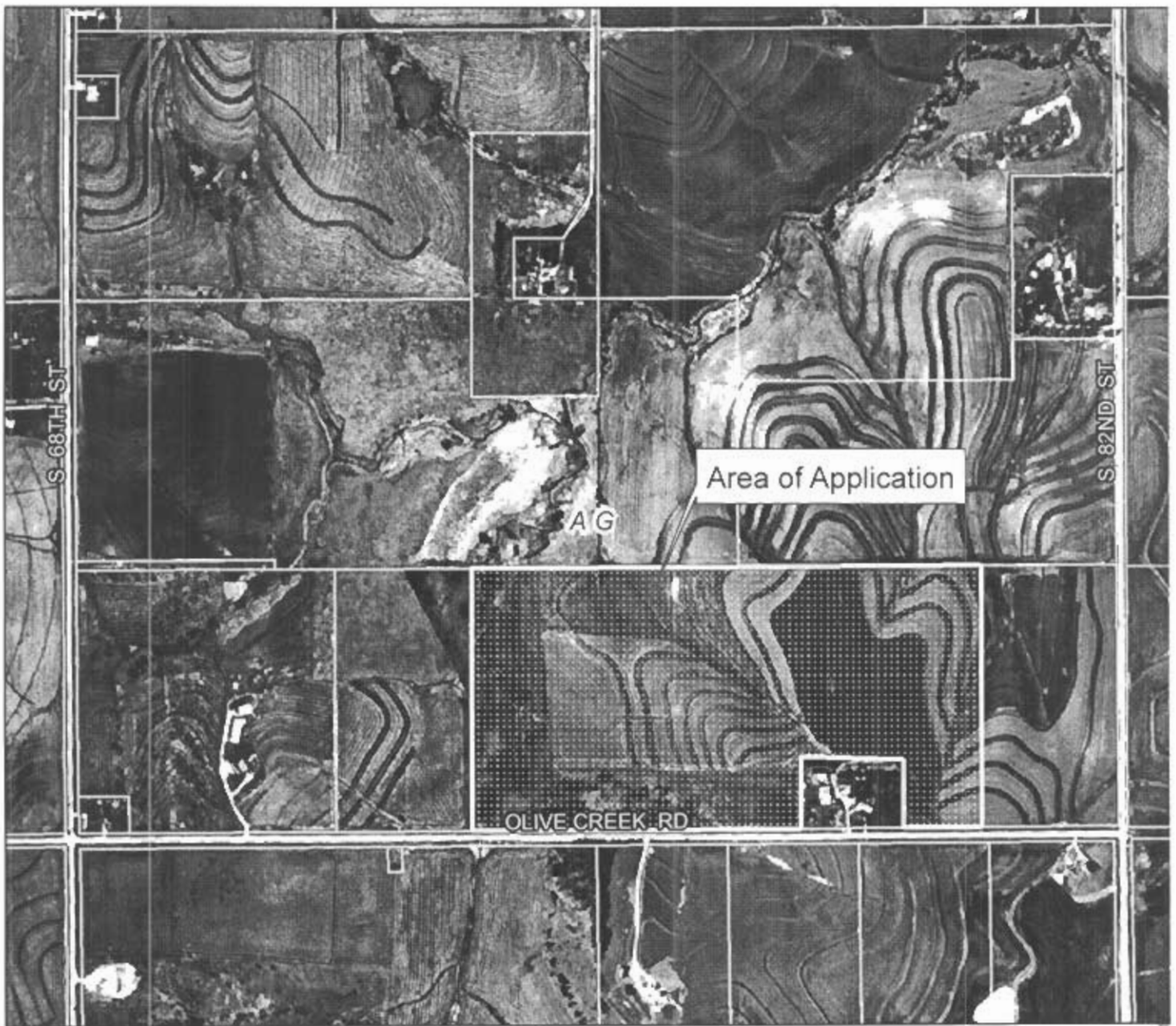
Planner

May 19, 2005

**APPLICANT:** Nextel Partners Inc  
6750 Westown Parkway, Suite 115  
West Des Moines, IA 50266  
(515) 457-3900

**OWNER:** Uden L. and Margareta Kunz  
7900 Olive Creek Road  
Firth, NE 68358  
422) 792-2834

**CONTACT:** Nextel Partners  
Shaun Hemsted, Project Manager  
6750 Westown Parkway, Suite 115  
West Des Moines, IA 50266  
(515) 457-3919



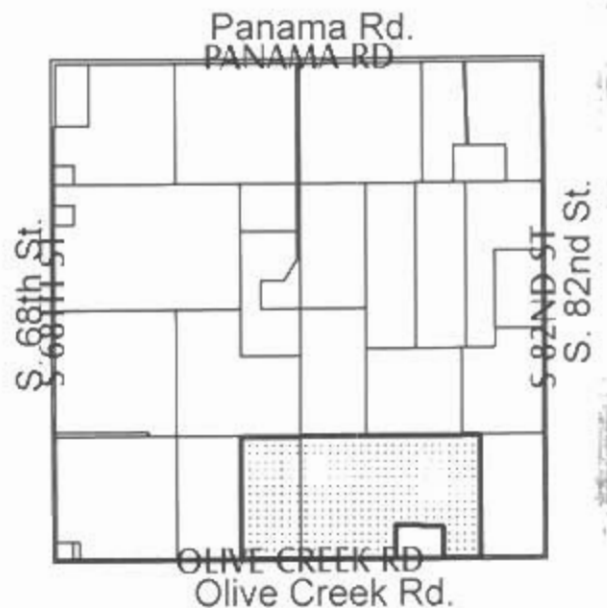
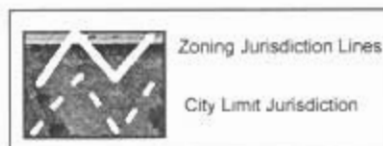
1999 aerial

## Special Permit #05026 S. 68th & Olive Creek Rd.

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 10 T7N R7E





# **NEXTEL Partners**

May 12, 2005

Lancaster County Planning Dept.  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

**RE: Application for zoning for 349' Tower on Kunz Property in Lancaster County**

To Whom It May Concern:

Nextel Partners is proposing to construct a 349' communications tower within Lancaster County on property located in Section 10, Township 7, Range 7, owned by Udene Kunz. Application is made in order to expand the infrastructure network to allow complete coverage to mobile phone users. No structures meeting RF engineering requirements were found within the search ring. As such, the only option available is to construct a new tower.

The property contains a site that was chosen based on the following criteria:

- consideration of applicable zoning and permit requirements;
- a willing landlord;
- absence of topographic obstructions such as buildings, hills, vegetation, etc.;
- coverage and capacity requirements for the service area as identified by Nextel Partners.

This tower will provide the infrastructure needed to meet the growing demand for wireless services. This will improve residential and business communications services as well as providing efficient and reliable 911 emergency services. The Lancaster County Sheriff's office has expressed interest in using Nextel phones if we are able to improve coverage in the County.

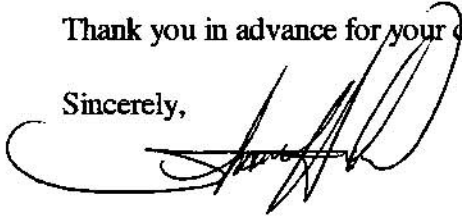
There are three existing structures near our search area. The first is a tower owned by Burlington Northern Santa Fe. Nextel Partners contacted Burlington Northern and found that they are not taking applications for collocation at this time. Attached is a letter from Burlington Northern.

The second structure is owned by Alltel and is located east of Hickman. Lastly there is a water tank in Hickman. Attached is a presentation that demonstrates how the Alltel tower and the water tank cannot meet Nextel Partners' coverage objectives.

We hope this correspondence and attachments explain our application and address the requirements of the zoning ordinance. Should you have any questions regarding the attached application please feel free to contact either Alex Novak at (612) 363-1109 or me at (515) 202-1197. Nextel Partners appreciates the assistance that we have received from staff and we look forward to working with you to better serve the public in this area.

Thank you in advance for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shaun Hernsted', with a large, sweeping flourish extending to the left.

Shaun Hernsted  
Project Manager

## **Statement of Adverse Effect**

The proposed project will have no adverse effect on the immediate or surrounding areas of Lancaster County.

The tower will pose no threat to air navigation because each tower is registered with and approved by the Federal Aviation Administration (FAA). The tower meets all ANZI/TIA/EIA-222E and Uniform Building Code Standards and are designed to withstand the highest wind speeds, snow and ice loads. All equipment is self-contained within a prefab shelter and will not create any noise, smoke, fumes, glare or odors. The base of the tower is fenced for security and safety purposes.

The tower facility will be unmanned, and as such create no regular vehicular traffic. The tower will also be lighted in accordance with the standards of the FAA.

## **Description of Security Barrier and Screening**

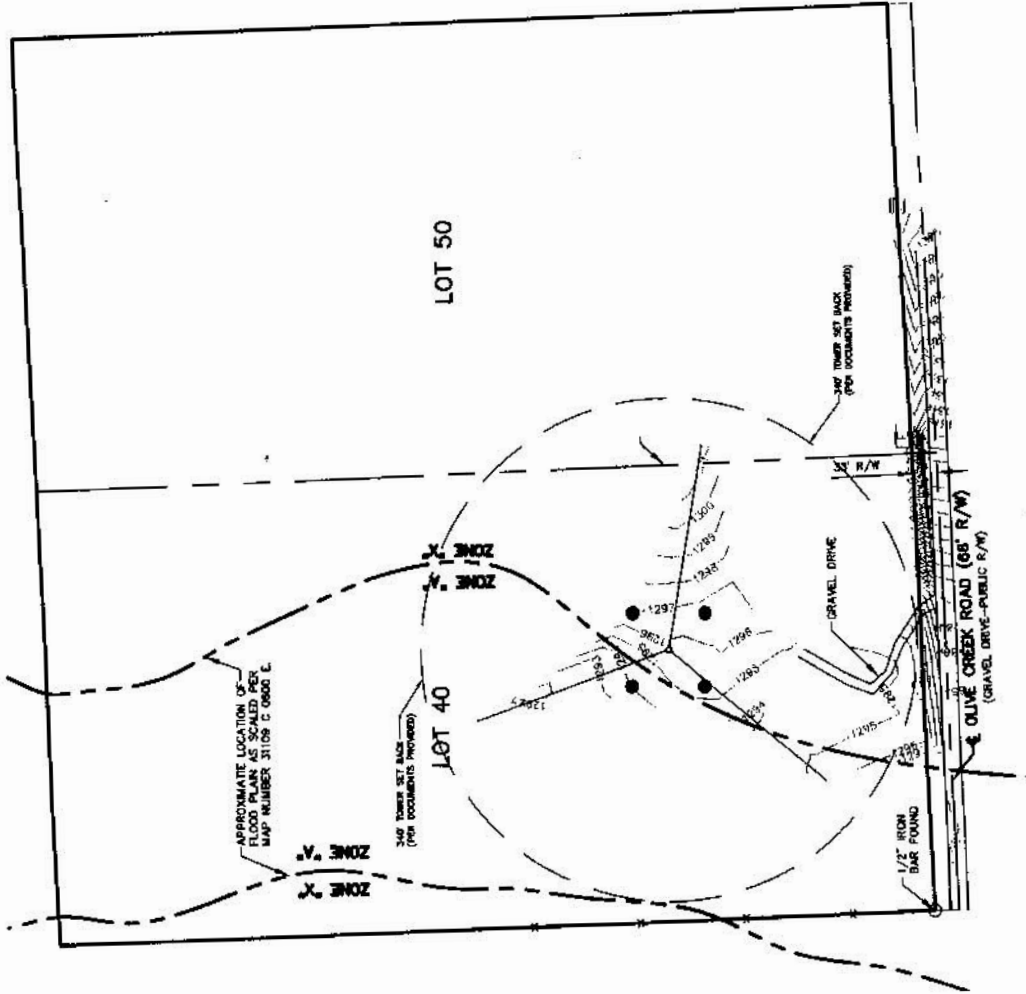
Attached are standard drawings of fencing provided. This shows location of gate and fencing within tower compound and the three (3) anchor locations. Exterior lighting is one (1) 100 watts incandescent with a motion detector. It is mounted on Nextel Partners' equipment shelter. No screening is required in Lancaster County.

## **Description of Maintenance and Monitoring**

Maintenance of the site will be monthly. There is a 24 hour a day, 7 day a week, electronic monitoring system.

**SITE SURVEY**  
**PROPERTY OWNER: UDENE KUNZ**

**GEOGRAPHIC COORDINATES:**  
 LATITUDE: 40° 34' 57.362 (NAD83)  
 LONGITUDE: 96° 37' 16.246 (NAD83)  
 SITE ELEVATION: 1295.7 FEET (NAVD88)



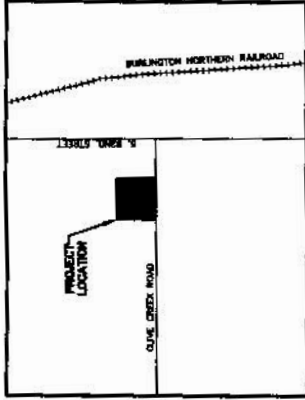
**PARENT PARCEL**  
**SCALE: 1:170**

**Special Permit #05026**  
**S. 68th & Olive Creek Rd.**



TN=TRUE NORTH  
MN=MAGNETIC NORTH

(MAGNETIC DECLINATION TAKEN FROM  
NATIONAL GEODETIC SURVEY WEB SITE  
FOR THIS AREA, 04/12/2005)



**VICINITY MAP**  
**NOT TO SCALE**

**GENERAL NOTES:**

**GENERAL NOTES:**  
THIS PARCEL IS ZONED AG SHOPPING DISTRICT PER LANCASTER COUNTY ZONING REGULATIONS.

SETBACKS: FRONT = TOWER HEIGHT; REAR = TOWER HEIGHT; SIDE = TOWER HEIGHT.

THIS PARCEL IS LOCATED WITHIN ZONE "X". (AREAS DETERMINED TO BE OUTSIDE OF THE 500-YEAR FLOOD PLAIN), AND ZONE "A" (NO BASE FLOOD ELEVATIONS DETERMINED) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 31109C0600 E WITH AN EFFECTIVE DATE OF SEPTEMBER 21, 2001.

A FULL BOUNDARY SURVEY WAS NOT PERFORMED ON THE PARENT PARCEL SHOWN ON THIS SHEET. ONLY MONUMENTS SHOWN AS "FOUND" WERE USED TO DESCRIBE THE EASEMENTS AND LEASE AREA.

THIS SURVEY WAS PREPARED WITHOUT THE AID OF A TITLE COMMITMENT. REFER TO CURRENT TITLE COMMITMENT, DEED AND LOCAL CODES FOR ANY EASEMENTS, BUILDING SETBACKS AND OTHER RESTRICTIONS NOT SHOWN HEREON.

BUILDING UTILITY NOTE:

**UTILITY NOTES:** THE LOCATIONS OF UTILITY MAINS, STRUCTURES, AND SERVICE CONNECTIONS PLOTTED ON THIS DRAWING ARE APPROXIMATE ONLY AND WERE OBTAINED FROM RECORDS MADE AVAILABLE TO SHIVE-HATTERY, INC. THERE MAY BE OTHER EXISTING UTILITY MAINS, STRUCTURES, AND SERVICE CONNECTIONS NOT KNOWN TO SHIVE-HATTERY INC., AND NOT SHOWN ON THIS DRAWING.

DESCRIPTION: (PARENT PARCEL)

DESCRIPTION: (PARENT PARCEL)  
LOT 40, IRREGULAR TRACTS, IN THE SOUTHWEST QUARTER AND LOT 50, IRREGULAR TRACT IN THE SOUTHEAST QUARTER, ALL IN SECTION 10, TOWNSHIP 7 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.

**NEXTEL**  
**Partners INC**  
6750 Westtown Parkway,  
Suite 115 West Des Moines, IA 50266  
Phone: (515) 457-3800 Fax: (515)  
457-3040

**SHIVE HATTERY**  
 5000 N. Howard City, in Des Moines  
 Shive-Hattery, Inc., 200 Lexington, N. Chicago, Ill.  
 Des Moines, Illinois 50305  
 PHONE (515) 288-1155 FAX (515) 288-1165

<b>PROJECT INFORMATION</b>					
DRAWN BY: JWA					
CITY: ATLANTA, GA					
DATE: 08/01/97					
SHEET NO. 1 OF 1					

KAY VALLEY ENGINEERING INC.  
 1470 N. 11TH AVENUE  
 LEXINGTON, KENTUCKY 40503  
 FAX (606) 281-0077  
 E-Mail: kve@kve.com

HICKMAN  
KUNZ RAW LAND  
NE-045P-C  
7800 OLIVE CREEK ROAD  
FRUIT, NE 68108  
LAYNE COUNTY

SITE SURVEY

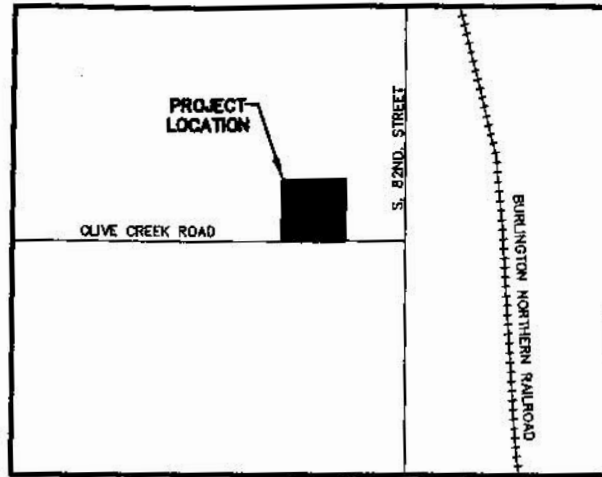
C-1.1





TN=TRUE NORTH  
MN=MAGNETIC NORTH

(MAGNETIC DECLINATION TAKEN FROM  
NATIONAL GEODETIC SURVEY WEB SITE  
FOR THIS AREA, 04/12/2005)



**VICINITY MAP**  
NOT TO SCALE

**GENERAL NOTES:**

THIS PARCEL IS ZONED AG SHOPPING DISTRICT PER LANCASTER COUNTY ZONING REGULATIONS.

SETBACKS: FRONT = TOWER HEIGHT; REAR = TOWER HEIGHT; SIDE = TOWER HEIGHT.

THIS PARCEL IS LOCATED WITHIN ZONE "X". (AREAS DETERMINED TO BE OUTSIDE OF THE 500-YEAR FLOOD PLAIN), AND ZONE "A" (NO BASE FLOOD ELEVATIONS DETERMINED) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 31109C0600 E WITH AN EFFECTIVE DATE OF SEPTEMBER 21, 2001.

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**DESCRIPTION: (PARENT PARCEL)**

LOT 40, IRREGULAR TRACTS, IN THE SOUTHWEST QUARTER AND LOT 50, IRREGULAR TRACT IN THE SOUTHEAST QUARTER, ALL IN SECTION 10, TOWNSHIP 7 NORTH, RANGE 7 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA.



**Special Permit #05026**  
**S. 68th & Olive Creek Rd.**

**NEXTEL Partners INC**  
6750 Westown Parkway, IA 50266  
Suite 115 West Des Moines, IA 50266  
Phone: (515) 457-3900 Fax: (515) 457-3940

**SHIVE-HATTERY**  
Des Moines, IA Iowa City, IA Des Moines, IA  
Moline, IL Bloomington, IL Chicago, IL  
SHIVE-HATTERY, INC. 701 LEE STREET  
DES PLAINES, ILLINOIS 60018  
PHONE (847) 288-1183 FAX (847) 288-1185

PROJECT NO:	0505306-0
DRAWN BY:	JWA
CHECKED BY:	
1	04/12/05 100% REVIEW
2	05/20/05 100% POINT
3	
4	
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**KAW VALLEY ENGINEERING**  
CONSULTING ENGINEERS  
14700 W. 114TH TERRACE  
LENEXA, KANSAS 66215  
(816) 984-5150  
FAX (816) 984-5877  
E-MAIL: kve@kve.com  
KAW VALLEY ENGINEERING, INC.  
CONSULTING ENGINEERS

**HICKMAN KUNZ RAW LAND**  
NE-045P-C  
7800 OLIVE CREEK ROAD  
FIRTH, NE 68358  
LANCASTER COUNTY  
NEW GUY TOWER

SHEET TITLE  
**SITE SURVEY**

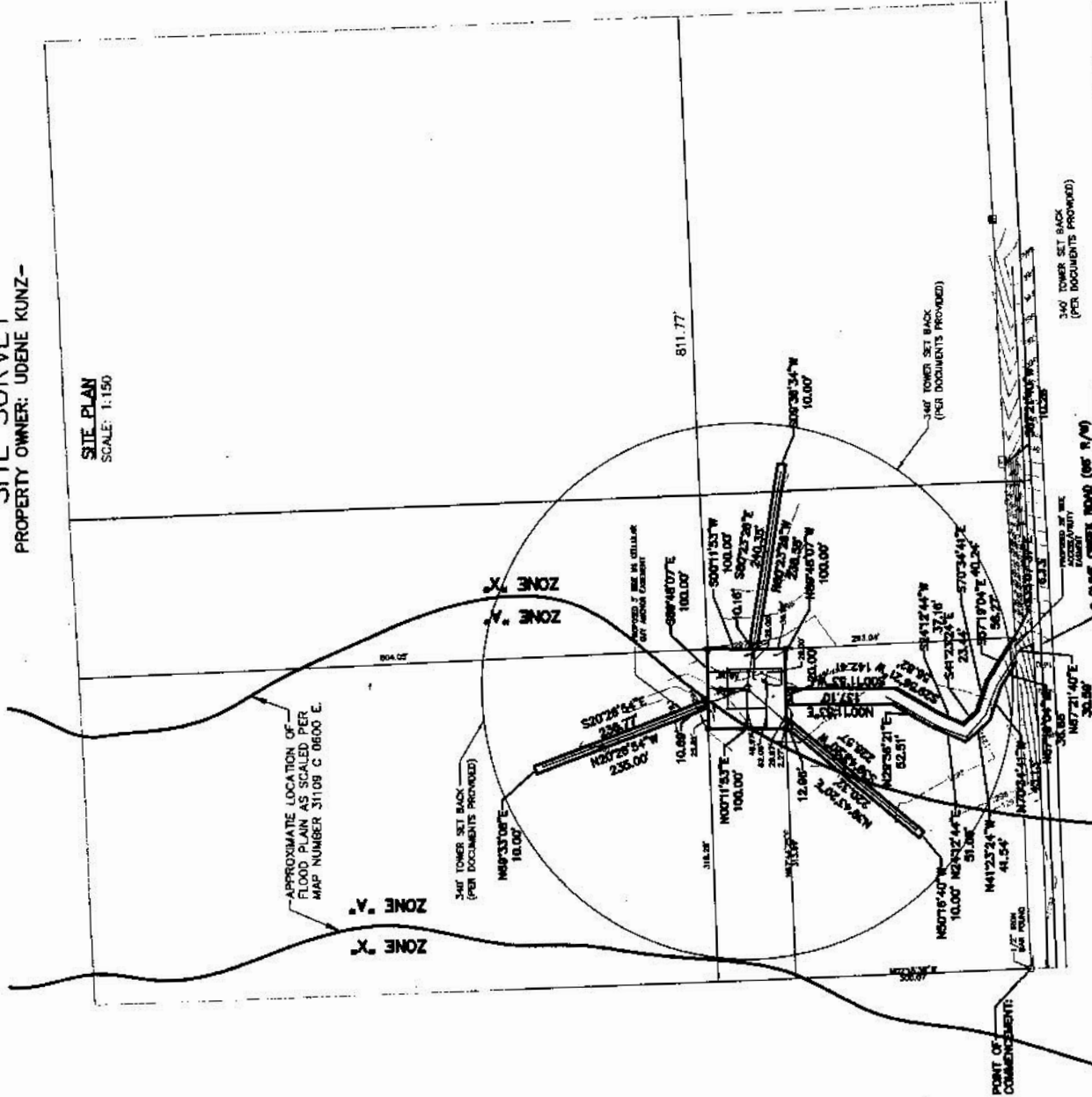
SHEET NUMBER  
**C-1.1**

# **SITE SURVEY** PROPERTY OWNER: UDENE KUNZ-

**SITE PLAN**  
SCALE: 1:150

**BENCHMARK REFERENCE:**  
ELEVATIONS DERIVED FROM GPS OBSERVATION  
NGS SITE NO. 2174 1934

**SITE BENCHMARK:**  
1/2" IRON BAR FOUND AT THE  
SOUTHWEST CORNER OF THE PARENT  
PROPERTY  
ELEVATION = 1298.29'



**Special Permit #05026**  
**S. 68th & Olive Creek Rd.**

**Partners INC**  
6750 Westown Parkway,  
Suite 115 West Des Moines, IA 50266  
Phone: (515) 457-3900 Fax: (515) 457-3940

**SHIVE-HATTERY**  
Surveying & Mapping  
1001 E. 14th Street, Suite 100  
Des Moines, IA 50319  
Phone: (515) 281-1111 Fax: (515) 281-1112

PROJECT NO.	1001-001
DATE	05/11/05
BY	DAVID J. SCHAEFER
CHECKED BY	
DATE	
BY	
CHECKED BY	
DATE	
BY	

**NEBRASKA**  
REGISTERED PROFESSIONAL SURVEYOR  
NO. 0457  
DAVID J. SCHAEFER  
1001 E. 14th Street, Suite 100  
Des Moines, IA 50319  
Phone: (515) 281-1111 Fax: (515) 281-1112

**HICKMAN**  
KUNZ RAW LAND  
NE-045P-C  
THE LAND OWNER HAS  
APPROVED THIS SURVEY  
FOR THE TOWER SET BACK

**SITE PLAN &  
LEASE AREA**

**C-1.2**